

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

REINALDO ROBLES DEL VALLE ET AL.,

Plaintiffs

v.

VORNADO REALTY TRUST ET AL.,

Defendants

CIVIL NO. 06-1818 (JAG)

REPORT AND RECOMMENDATIONS

An Initial Scheduling Conference (“ISC”) was held on April 27, 2007, with the following attorneys present: Luis R. Rivera Rodríguez, Esq., on behalf of plaintiffs Reinaldo Robles del Valle, Ray Yaniel Robles López and Christie Marie Serrano López; James W. McCartney, Esq., on behalf of co-defendants Vornado Realty Trust, Vornado Caguas, L.P., Vornado Caguas, G.P.I., Inc., Las Catalinas Mall, and Berenson Associates, Inc.; and Juan R. González, Esq. and Juan M. Martínez Nevárez, Esq., on behalf of third-party defendants ACE Insurance Co. (“ACE”), and Ranger American of Puerto Rico, Inc. (“Ranger American”)

The motion to dismiss the third party complaint (Docket 54) filed by Ranger American and ACE is unopposed, as of today, by Vornado Realty Trust and Las Catalinas Mall. Although plaintiffs filed an opposition (Docket 57), counsel for Vornado Realty Trust and Las Catalinas Mall stated during the conference that he does not intend to file an opposition to said motion to dismiss. Therefore, it is recommended that motion to dismiss be granted and that the third party complaint be dismissed.

Taking into account the fact that: (i) the Court has already granted an extension to Vornado Caguas LP and Vornado Caguas GPI, Inc. until May 24, 2007, to answer or otherwise plead; (ii)

counsel for said corporate entities has indicated that he may file a motion to dismiss regarding the Second Amended Complaint; (iii) counsel for said corporate entities has indicated that if his motion to dismiss is denied, he may file a new third-party complaint; (iv) there is a motion for summary judgment (Docket 39) and an opposition to said motion (Docket 45) that are still pending to be ruled upon; and (v) the parties have indicated that they expect to take somewhere between fifteen and twenty depositions, it is recommended that the Case Management Order (Docket 31) be amended to the following proposed schedule:

DEADLINE	MILESTONE
May 24, 2007	Answer to Second Amended Complaint and/or Motion to Dismiss
July 6, 2007	All written discovery (e.g., interrogatories, requests for admissions, requests for production of documents) must be served on opposing counsel.
September 25, 2007	Plaintiffs' expert reports must be provided to opposing counsel.
November 16, 2007	Conclusion of depositions of <u>all</u> factual witnesses.
January 25, 2008	Defendants' and Third Parties' expert reports must be provided to opposing counsel.
February 29, 2008	Conclusion of depositions of <u>all</u> expert witnesses.
March 21, 2008	Motions for Summary Judgment
To be set by the Hon. Judge García Gregory	Pre-Trial Order
To be set by the Hon. Judge García Gregory	Pre-Trial and Settlement Conference
To be set by the Hon. Judge García Gregory	Trial

It is also recommended that the proposed discovery timetable outlined above not be stayed in the future regardless of whether there are any dispositive motions pending. **The parties were informed during the Initial Scheduling Conference that unless the proposed discovery timetable contained in this Report is adopted by the Honorable Judge Jay García Gregory, the current Case Management Order (Docket 31) shall remain binding on the parties.**

The parties do not envision any electronic discovery issues. There is no unanimous consent to proceed for trial purposes before a U.S. Magistrate Judge.

SO RECOMMENDED.

In San Juan, Puerto Rico, this 28th day of April, 2007.

s/Marcos E. López
MARCOS E. LOPEZ
U.S. MAGISTRATE JUDGE